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10 Attorneys for Defendant
Bernard "Skip" Whalen Area Local #71

11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN JOSE DIVISION**

15 KENNETH G. FLOYD,

16 Plaintiff,

17 v.

18 BERNARD "SKIP" WHALEN AREA
LOCAL, AMERICAN POSTAL WORKER
19 UNION LOCAL #71,

20 Defendant.

Case No. C07-05993 RMW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE FURTHER
CASE MANAGEMENT CONFERENCE**

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22 An Initial Case Management Conference was held on May 2, 2008. The Court ordered the
23 parties to attempt to resolve the case, and to participate in a settlement conference with Magistrate
24 Judge Howard R. Lloyd prior to the next Case Management Conference if they were unable to
25 resolve the case. The court set a Further Case Management Conference for July 25, 2008. The
26 parties have not been able to resolve the case. Due to the schedules of the parties, and the schedule
27 of Magistrate Judge Lloyd, the earliest date on which the parties can meet with Magistrate Judge
28 Lloyd is August 8, 2008. The parties are currently scheduled to meet with Magistrate Judge on

1 August 8, 2008.

2 The parties stipulate to, and request that the Court grant, a continuance of the Further Case
3 Management Conference currently set for July 25, 2008, to ~~August 29, 2008~~ (rmw)
September 5, 2008

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5 Respectfully submitted,

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7 Dated: July 3, 2008

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9 By: 
David L. Samuelson

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11 Attorney for Plaintiff Kenneth G. Floyd

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14 Dated: July 3, 2008

ALTSHULER BERZON LLP

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16 By: /s/ Jonathan Weissglass
Jonathan Weissglass

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18 O'DONNELL, SCHWARTZ & ANDERSON, P.C.

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20 By: /s/ Daniel B. Smith
Daniel B. Smith

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22 Attorneys for Bernard "Skip" Whalen Area Local,
23 American Postal Workers Union Local #71

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25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26
27 Dated: 7/16/08

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U.S. District Court Judge

PROOF OF SERVICE

I am employed in the City of Washington, in the District of Columbia. I am over the age of eighteen years and not a party to the within action; my business address is 1300 L Street, NW, Suite 1200, Washington, DC 20005. On July 7, 2008, I served the following documents:

**STIPULATION AND PROPOSED ORDER TO CONTINUE FURTHER
CASE MANAGEMENT CONFERENCE**

By First Class Mail: I am readily familiar with the ordinary business practices of O'Donnell, Schwartz & Anderson, P.C. for the collection and processing of correspondence for mailing with the United States Postal Service. I sealed and placed each such envelope, with first-class postage thereon fully prepaid, for collection and mailing to the office of the addressee on the date shown herein in Washington, District of Columbia.

ADDRESSEE

David L. Samuelson, Esq.
897 Independence Avenue, Suite 2D
Mountain View, CA 94043

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct. Executed this July 7, 2008 at Washington, DC 20005.

/s/ Daniel B. Smith
Daniel B. Smith